

CUDAHY MUNICIPAL COURT TRIAL PROCEDURES

Do I need an attorney?

If you decide to take your case to trial, the court will not provide an attorney for you. You may choose to hire an attorney or represent yourself. The following information may be useful to you if you choose to represent yourself.

Where are trials held?

Municipal trials are held in the courtroom of the Cudahy Municipal Court, located at 5050 South Lake Drive.

What happens at a trial?

A trial is a formal hearing where the city attorney and the defendant have the opportunity to present their evidence before the municipal judge. Juries are not provided for municipal court trials.

The city has the burden of proving its case by clear, satisfactory and convincing evidence. The city presents its case first. After the witness for the city has testified, the defendant has the right to cross-examine that witness. After the city has introduced all of the evidence that it wishes to present, the defendant then has the opportunity to testify on his or her own behalf, call witnesses and introduce any documentary evidence. The city attorney has the right to cross-examine any witness called by the defendant. After the judge has heard all the evidence, each side is given an opportunity to make a closing argument. The judge then applies the admissible evidence to the specific state statute or city ordinance that the defendant is charged with violating, and determines whether the defendant is guilty or not guilty.

What should you do to prepare for a municipal court trial?

Defendant witnesses If there are witnesses you want to testify on your behalf, you need to make sure that they will be there on the day of the trial. Any such witness should have personal knowledge of the incident based on what he or she saw or heard. Do not bring in letters or statements written at your request. These are hearsay and will probably be disallowed. If you have any doubts that a witness you would like to call will appear voluntarily, you have the right to subpoena them into court. If you decide to subpoena a witness, you may provide the form yourself or ask the clerk of court to provide one for you. A blank subpoena will be provided to you to complete and upon completion must be signed by the judge. You will be responsible for finding someone to serve the subpoena for you. You may not serve a subpoena to someone regarding a case that you are a party to.

Photos, maps and drawings If you think such evidence will help the judge understand your case, bring them to court. However, you or whoever took the photos or drew the drawings should be prepared to testify about how and when the items came into being.

Testimony by the defendant If you plan to testify on your own behalf, think about what you are going to say beforehand. If you do testify, the city attorney will have the right to cross-examine you. If you made a statement to the police or others, these statements can be used against you at the trial.

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Police reports If you want copies of any police reports to help you prepare for trial, you must submit a public records request to the Cudahy Police Dept. It usually takes a few business days for your request to be filled.

Will I have to pay more than the amount on the citation if I am found guilty?

It is a possibility. The forfeiture (fine) amount on your citation is usually not the maximum amount allowed in most cases. The judge has the authority to impose a higher or lower forfeiture if he deems it appropriate and it is allowable by law. There is also a \$7.00 witness fee per non-city employed witness that will be assessed on guilty findings. You are responsible for any witness fees payable to your witnesses.

If I am found guilty, can I appeal?

Yes, in the event you are found guilty, you have the right to appeal. The city also has the right to appeal if you are found not guilty. The statutory limit in which to file an appeal is twenty days (including weekends and holidays). Written notice requesting an appeal including your name, citation number, charge, date of conviction and type of appeal must be submitted to Cudahy Municipal Court. Appeal forms are available on the City of Cudahy website or from the clerk of court. Appeals from municipal court trials are held in Milwaukee County Circuit Court.

Types of appeals include transcript review by a circuit court judge (\$133), trial before a circuit court judge (\$148), or a trial before a circuit court judge and a six-person jury (\$184). These fees are circuit court fees.

The written request, forfeiture deposit and the appropriate fee based on the type of appeal must be submitted to this court no later than twenty days after conviction. The forfeiture deposit is payable to Cudahy Municipal Court. Appeal fees are payable to Clerk of Courts, Milwaukee County.

If I change my mind, can I settle my case before the trial date?

Usually. Contact the city attorney (414-769-2243) prior to the trial date. Do not wait until the last minute. The city attorney may not be able to speak to you if you contact him too late.